

§ 712.8

15 CFR Ch. VII (1–1–10 Edition)

(d) *Inspection-related amendments.* If, following completion of an inspection (see parts 716 and 717 of the CWC), you are required to submit an amended declaration based on the final inspection report, BIS will notify you in writing of the information that will be required pursuant to §§ 716.10 and 717.5 of the CWC. You must submit an amended declaration to BIS no later than 45 days following your receipt of the BIS post-inspection letter.

(e) *Non-substantive changes.* If, subsequent to the submission of your declaration or report to BIS, you discover one or more non-substantive typographical errors in your declaration or report, you are not required to submit an amended declaration or report to BIS. Instead, you may correct these errors in a subsequent declaration or report.

(f) *Documentation required for amended declarations or reports.* If you are required to submit an amended declaration or report to BIS pursuant to paragraph (a), (b), (c), or (d) of this section, you must submit either:

(1) A letter containing all of the corrected information required, in accordance with the provisions of this section, to amend your declaration or report; or

(2) Both of the following:

(i) A new Certification Form (*i.e.*, Form 1-1); and

(ii) The specific forms (*e.g.*, annual declaration on past activities) containing the corrected information required, in accordance with the provisions of this part 712, to amend your declaration or report.

§ 712.8 Declarations and reports returned without action by BIS.

If you submit a declaration or report and BIS determines that the information contained therein is not required

by the CWC, BIS will return the original declaration or report to you, without action, accompanied by a letter explaining BIS's decision. In order to protect your confidential business information, BIS will not maintain a copy of any declaration or report that is returned without action (RWA). However, BIS will maintain a copy of the RWA letter.

§ 712.9 Deadlines for submission of Schedule 1 declarations, reports, advance notifications, and amendments.

Declarations, reports, advance notifications, and amendments required under this part must be postmarked by the appropriate date identified in Supplement No. 2 to this part 712. Required declarations, reports, advance notifications, and amendments include:

(a) Annual declaration on past activities (Schedule 1 chemical production during the previous calendar year);

(b) Annual report on exports and imports of Schedule 1 chemicals from facilities, trading companies, and other persons (during the previous calendar year);

(c) Combined declaration and report (production of Schedule 1 chemicals, as well as exports or imports of the same or different Schedule 1 chemicals, by a declared facility during the previous calendar year);

(d) Annual declaration on anticipated activities (anticipated production of Schedule 1 chemicals in the next calendar year);

(e) Advance notification of any export to or import from another State Party;

(f) Initial declaration of a new Schedule 1 chemical production facility; and

(g) Amended declaration or report, including combined declaration and report.

SUPPLEMENT NO. 1 TO PART 712—SCHEDULE 1 CHEMICALS

| | (CAS registry number) |
|------------------------------------------------------------------------------------------------------------------------|-----------------------|
| A. Toxic chemicals: | |
| (1) O-Alkyl ($\leq C_{10}$, incl. cycloalkyl) alkyl (Me, Et, n-Pr or i-Pr)-phosphonofluoridates | |
| <i>e.g.</i> Sarin: O-Isopropyl methylphosphonofluoridate | (107–44–8) |
| Soman: O-Pinacolyl methylphosphonofluoridate | (96–64–0) |
| (2) O-Alkyl ($\leq C_{10}$, incl. cycloalkyl) N,N-dialkyl (Me, Et, n-Pr or i-Pr) phosphoramidocyanidates <i>e.g.</i> | |
| Tabun: O-Ethyl N,N-dimethyl phosphoramidocyanidate | (77–81–6) |

| | (CAS registry number) |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|
| (3) O-Alkyl (H or $\leq C_{10}$, incl. cycloalkyl) S-2-dialkyl (Me, Et, n-Pr or i-Pr)-aminoethyl alkyl (Me, Et, n-Pr or i-Pr) phosphonothiolates and corresponding alkylated or protonated salts e.g. VX: O-Ethyl S-2-diisopropylaminoethyl methyl phosphonothiolate | (50782-69-9) |
| (4) Sulfur mustards: | |
| 2-Chloroethylchloromethylsulfide | (2625-76-5) |
| Mustard gas: Bis(2-chloroethyl)sulfide | (505-60-2) |
| Bis(2-chloroethylthio)methane | (63869-13-6) |
| Sesquimustard: 1,2-Bis(2-chloroethylthio)ethane | (3563-36-8) |
| 1,3-Bis(2-chloroethylthio)-n-propane | (63905-10-2) |
| 1,4-Bis(2-chloroethylthio)-n-butane | (142868-93-7) |
| 1,5-Bis(2-chloroethylthio)-n-pentane | (142868-94-8) |
| Bis(2-chloroethylthiomethyl)ether | (63918-90-1) |
| O-Mustard: Bis(2-chloroethylthioethyl)ether | (63918-89-8) |
| (5) Lewisites: | |
| Lewisite 1: 2-Chlorovinylchloroarsine | (541-25-3) |
| Lewisite 2: Bis(2-chlorovinyl)chloroarsine | (40334-69-8) |
| Lewisite 3: Tris(2-chlorovinyl)arsine | (40334-70-1) |
| (6) Nitrogen mustards: | |
| HN1: Bis(2-chloroethyl)ethylamine | (538-07-8) |
| HN2: Bis(2-chloroethyl)methylamine | (51-75-2) |
| HN3: Tris(2-chloroethyl)amine | (555-77-1) |
| (7) Saxitoxin | (35523-89-8) |
| (8) Ricin | (9009-86-3) |
| B. Precursors: | |
| (9) Alkyl (Me, Et, n-Pr or i-Pr) phosphonyldifluorides e.g. DF: Methylphosphonyldifluoride | (676-99-3) |
| (10) O-Alkyl (H or $\leq C_{10}$, incl. cycloalkyl) O-2-dialkyl (Me, Et, n-Pr or i-Pr)-aminoethyl alkyl (Me, Et, N-Pr or i-Pr) phosphonites and corresponding alkylated or protonated salts e.g. QL: O-Ethyl O-2-diisopropylaminoethyl methylphosphonite | (57856-11-8) |
| (11) Chlorosarin: O-Isopropyl methylphosphonochloridate | (1445-76-7) |
| (12) Chlorosoman: O-Pinacolyl methylphosphonochloridate | (7040-57-5) |

Notes to Supplement No. 1

Note 1: Note that the following Schedule 1 chemicals are controlled for export purposes under the Export Administration Regulations (see part 774 of the EAR, the Commerce Control List): Saxitoxin (35523-89-8) and Ricin (9009-86-3).

Note 2: All Schedule 1 chemicals not listed in Note 1 to this Supplement are controlled for export purposes by the Directorate of Defense Trade Controls of the Department of State under the International Traffic in Arms Regulations (22 CFR parts 120 through 130).

SUPPLEMENT NO. 2 TO PART 712—DEADLINES FOR SUBMISSION OF SCHEDULE 1 DECLARATIONS, ADVANCE NOTIFICATIONS, REPORTS, AND AMENDMENTS

| Declarations, advance notifications and reports | Applicable forms | Due dates |
|-----------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Annual Declaration on Past Activities (previous calendar year)—Declared facility (past production). | Certification, 1-1, 1-2, 1-2A, 1-2B, A (as appropriate), B (optional). | February 28th of the year following any calendar year in which more than 100 grams aggregate of Schedule 1 chemicals were produced. |
| Annual report on exports and imports (previous calendar year) (facility, trading company, other persons). | Certification, 1-1, 1-3, A (as appropriate), B (optional). | February 28th of the year following any calendar year in which Schedule 1 chemicals were exported or imported. |
| Combined Declaration and Report | Certification, 1-1, 1-2, 1-2A, 1-2B, 1-3, A (as appropriate), B (optional). | February 28th of the year following any calendar year in which Schedule 1 chemicals were produced, exported, or imported. |
| Annual Declaration of Anticipated Activities (next calendar year). | Certification, 1-1, 1-4, A (as appropriate), B (optional). | September 3rd of the year prior to any calendar year in which Schedule 1 activities are anticipated to occur. |
| Advance Notification of any export to or import from another State Party. | Notify on letterhead. See § 712.6 of the CWCRC. | 45 calendar days prior to any export or import of Schedule 1 chemicals, except 3 days prior to export or import of 5 milligrams or less of saxitoxin for medical/diagnostic purposes. |
| Initial Declaration of a new Schedule 1 facility (technical description). | Certification, 1-1, A (as appropriate), B (optional). | 200 calendar days prior to producing in excess of 100 grams aggregate of Schedule 1 chemicals. |
| Amended Declaration | Certification, 1-1, 1-2, 1-2A. | |
| —Chemicals/Activities: § 712.7(a). | | —15 calendar days after change in information. |
| —Company information: § 712.7(c). | | —30 calendar days after change in information. |
| —Post-inspection letter: § 712.7(d). | | —45 calendar days after receipt of letter. |